

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**
Philadelphia Division

IN RE:
**SIMONA S. ROBINSON and SIMONA S.
ROBINSON**

**SIMONA S. ROBINSON AND SIMONA S.
ROBINSON,
Movant**

vs.

**The Bank of New York Mellon f/k/a The Bank of
New York as successor in interest to JPMorgan
Chase Bank, National Association, as Trustee for
GSRPM Mortgage Pass-Through Certificates,
Series 2003-1,
Respondent**

Case No. 22-13307-pmm

Chapter 13

RESPONSE TO MOTION TO RECONSIDER

The Bank of New York Mellon f/k/a The Bank of New York as successor in interest to JPMorgan Chase Bank, National Association, as Trustee for GSRPM Mortgage Pass-Through Certificates, Series 2003-1, (herein, “Respondent”) by and through undersigned counsel, hereby responds to the Motion to Reconsider [Doc. 57] filed on July 23, 2024 and in support thereof, shows unto the Court as follows:

1. Admitted. By way of further answer, it should be noted that since November 7, 2016 the debtor has been in a constant state of bankruptcy status for the last 8 years. The debtor filed a bankruptcy case on November 7, 2016 and it was dismissed on September 16, 2021. See Bankruptcy Case No.: 16-17817. Fifteen (15) days later, on October 1, 2021, the Debtor filed

another bankruptcy petition that stayed a sheriff sale. See Bankruptcy Case No.: 21-12716. This case was dismissed on November 17, 2022. Twenty-one (21) days later, December 8, 2022, the Debtor filed the current bankruptcy case that stayed a sheriff sale. See Bankruptcy Case No.: 22-13307. At the time of filing of the current bankruptcy case the Total Debt owed to Respondent was \$98,581.02 with arrears of \$59,233.24. It should be noted to the Court that when the mortgage and note were taken out in May of 1999 the amount borrowed was \$61,200. See Claim 4-1. On December 15, 2023, Respondent filed a Motion seeking Relief from the Automatic Stay. See Docket Entry 43. Since no response was ever filed by the Debtor a Certification of No Response was filed. See Docket Entry No.:45. The Cout granted Respondent Relief from the Automatic Stay on January 11, 2024. See Docket Entry 47. As of the date of this Order, Respondent has not been subject to this bankruptcy case. Strict poof to the contrary is demanded at trial.

2. Admitted. By way of further answer, while it is admitted that the Debtor has cured the arrears owed, Respondent does not agree that the account is current. The total recoverable balance from January 2024 until today is \$2,959.40 that includes Bankruptcy and Foreclosure Fees and Costs.

3. Denied. By way of further response, Respondent has obtained relief from the automatic stay and does not wish to be part of this Bankruptcy case. As stated above, there are still arrears owed to Respondent and the Chapter 13 Trustee has also filed a Motion to Dismiss on June 5, 2024 indicating that the Debtor is delinquent with the Trustee. It appears as if the debtor utilized funds that should have been used to pay the Chapter 13 Trustee and instead used those funds to pay Respondent. The Debtor has materially defaulted on

the terms and conditions of the confirmed Chapter 13 Plan. The Court should deny this request in its entirety.

6. Respondent reserves the right to supplement or amend this response at or prior to the hearing.

WHEREFORE, Respondent respectfully requests that this Honorable Court deny the Motion to Reconsider and for any other relief the Court deems just and proper.

This the 5th day of August, 2024

/s/Andrew Spivack

Andrew Spivack, PA Bar No. 84439
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JOHNSON-ROBINSON AND SIMONA S.
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SIMONA S. ROBINSON
AKA SIMONA S. JOHNSON-ROBINSON AND
SIMONA S. ROBINSON,
Debtors

Case No. 22-13307-pmm

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and exact copy of the foregoing Response to Motion to Reconsider has been electronically served or mailed, postage prepaid on this day to the following:

Via Electronic Notice:

MICHAEL I. ASSAD, Debtor's Attorney
1500 Walnut St
Ste 900
Philadelphia, PA 19102
mail@cibiklaw.com

KENNETH E. WEST, Bankruptcy Trustee
1234 Market Street - Suite 1813
Philadelphia, PA 19107

Office of United States Trustee, US Trustee

Robert N.C. Nix Federal Building
900 Market Street Suite 320
Philadelphia, PA 19107

Via First Class Mail:

SIMONA S. ROBINSON
3029 S 70TH ST
PHILADELPHIA, PA 19142-2531

SIMONA S. ROBINSON
MAILING ADDRESS
P.O. BOX 33167
PHILADELPHIA, PA 19142-0167

Date: August 5, 2024

/s/Andrew Spivack

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